

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MICHAEL L. BLUMENTHAL,)	
)	
Plaintiff,)	Court No. 07 C 7230
vs.)	
)	
MATTHEW H. ANSELMO,)	Judge Joan B. Gottschall
M & M MARKETING, L.L.C., and KATHRYN)	
HEMENWAY)	
)	Magistrate Michael T. Mason
Defendants.)	

**PLAINTIFF'S MOTION TO EXTEND THE TEMPORARY
RESTRAINING ORDER AND FOR A WRIT OF EXECUTION**

Now comes the plaintiff, MICHAEL L. BLUMENTHAL, and moves this Honorable Court to extend the temporary restraining order entered by this Honorable Court on January 31, 2008 barring the Defendants, MATTHEW H. ANSELMO and M & M MARKETING L.L.C., from transferring their assets out of the continental United States and for a writ of execution.

In support of this motion, Plaintiff respectfully states as follows:

1. That at the last court hearing, Defendant, MATTHEW H. ANSELMO, advised this Court that he was unable to attend because his flight was cancelled.
2. Subsequent to that hearing, the Plaintiff requested that Defendant, MATTHEW H. ANSELMO, provide proof that he actually had a reservation to come to Chicago on the morning of February 7, 2008.
3. On February 7, 2008 at 1:54 p.m., Plaintiff faxed to Defendant, MATTHEW H. ANSELMO, a request to provide proof of his reservation, which he acknowledged receiving but has failed to respond to. *See* attached letter made a part hereof and marked Exhibit "A".

4. That on February 8, 2008, Plaintiff and Defendant, MATTHEW H. ANSELMO, engaged in a series of text messages, the upshot of which is that the Defendant refused to provide evidence that he had, in fact, made a reservation to come to Chicago. *See* Affidavit of Michael L. Blumenthal attached hereto and made a part hereof as Exhibit "B"

5. Plaintiff's research discloses that all of the flights between Omaha and Chicago on the morning of Thursday, February 7, 2008, had arrived on-time and with plenty of time to attend the hearing, save one.

6. The Court reminded Defendant, MATTHEW H. ANSELMO, at the hearing that a default judgment and temporary restraining order had been entered against him, and that he needed to move quickly to obtain counsel.

7. It is respectfully submitted that at least and until Defendants, MATTHEW H. ANSELMO and M & M Marketing, L.L.C., take affirmative stipes to vacate the default judgment, that the temporary restraining order be kept in place in order to prevent them from manipulating the system to the detriment of Plaintiff.

8. Extending the temporary restraining order for an additional ten (10) days would cause no additional harm to the Defendants, MATTHEW H. ANSELMO and M & M Marketing, L.L.C., but would serve to partially protect Plaintiff and would not expire until shortly after Defendant is required to appear in this case either personally or through counsel.

9. Under the circumstances, extending the temporary restraining order is reasonable and justified.

10. The Plaintiff also requests a writ of execution be entered on the judgment so that appropriate garnishment proceedings can be instituted in accordance with the

rules of this Court.

WHEREFORE, the Plaintiff, MICHAEL L. BLUMENTHAL, prays this Honorable Court enter an Order extending the temporary restraining order barring the Defendants, MATTHEW H. ANSELMO and M & M MARKETING L.L.C., from transferring their assets out of the continental United States for an additional ten (10) days and for a writ of execution.

Respectfully submitted,

MICHAEL L. BLUMENTHAL, Plaintiff

By: /s/ Michael L. Blumenthal
One of His Attorneys

Martin A. Blumenthal
Attorney for Michael L. Blumenthal
1 Northfield Plaza - Suite 300
Northfield, Illinois 60093
(847) 441-2687
e-mail: marty@blumenthallaw.com
Attorney I.D.# 6180069

Michael L. Blumenthal, Esq.
Milton M. Blumenthal & Associates
77 West Washington Street - Suite 1720
Chicago, Illinois 60602
(312) 372-3566
e-mail: mike@mmlblumenthal.com
Attorney I.D. # 6183007

*Law Offices of
Milton M. Blumenthal & Associates*

77 West Washington Street

Suite 1720

Chicago, Illinois 60602

February 7, 2008

Milton M. Blumenthal
1921-2002

Michael L. Blumenthal

Telephone 312/372-3566

Facsimile 312/372-3573

Email mike@mmlblumenthal.com

VIA FACSIMILE (402) 597-2320

Mr. Matthew Anselmo

M & M Marketing

11329 P Street

Omaha, NE 68136


**Re: Michael L. Blumenthal vs.
Matthew H. Anselmo, et. al.,
Court No.: 07 CV 7230**

Dear Mr. Anselmo:

You represented to the Court today that you had booked a 6:00 a.m. flight this morning from Omaha to Chicago that was canceled. Please fax to our office written documentation evidencing proof of your having purchased a ticket and having had a reservation on that flight this morning on or before Monday, February 11, 2008.

Very truly yours,

MILTON M. BLUMENTHAL & ASSOCIATES


By: **Michael L. Blumenthal**

MLB/cam

* * * Communication Result Report (Feb. 7. 2008 1:55PM) * * *

1) Milton M. Blumenthal & Associate
2) 312-372-3573

Date/Time: Feb. 7. 2008 1:54PM

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E. 1) Hang up or line fail
E. 3) No answer
E. 5) Exceeded max. E-mail size

E. 2) Busy
E. 4) No facsimile connection

Local Offices of
Milton M. Blumenthal & Associates
77 West Washington Street
Suite 1720
Chicago, Illinois 60602
Milton M. Blumenthal 773-3601
Michael L. Blumenthal
Telephone 312/372-3566
Facsimile 312/372-3573
Email mblumenthal@aol.com

DATE: Feb. 7, 2008.RE: CASE Blumenthal v. AnselmoCOURT NO. 07 CV 7230TO: M+M MARKETINGATTN: MATT ANSELMO

FAX: (312) _____ (773) _____ (708) _____

(630) _____ (815) _____ (847) _____

OTHER: (412) 597-2320 () ()FROM: ☒ MICHAEL L. BLUMENTHAL, ESQ.
☐ CHRISTINE A. MURO, Legal Assistant☐ ORIGINAL BY MAIL ☐ ORIGINAL WILL NOT BE MAILED ☐ TO FOLLOW BY DELIVERYCOMMENTS: Your Attention to this Correspondence
is needed immediately!

IN THE EVENT YOU DO NOT RECEIVE ALL PAGES, KINDLY CONTACT CHRIS AT 312/372-3566.

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TOTAL PAGE(S) 02 THIS COVER PAGE INCLUDED.

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DECLARATION OF MICHAEL L. BLUMENTHAL

Pursuant to 28 U.S.C. § 1746, the undersigned MICHAEL L. BLUMENTHAL declares:

1. That your Declarant is the Plaintiff in the above-entitled cause, is an adult of legal age, competent to testify and has personal knowledge of the facts set forth herein as well as those set forth in the complaint and motion filed herein.

2. That if called to testify I would competently testify as follows:

3. That on February 7, 2008 Plaintiff caused the letter attached to Plaintiff's instant Motion to be faxed to Defendants', MATTHEW H. ANSELMO and M & M Marketing, L.L.C., place of business. A true and correct copy of that letter and fax confirmation page are attached to the foregoing motion as Exhibit A.

4. That on February 8, 2008 at 10:28 a.m. the following text exchange took place between Plaintiff and Defendant:

Blumenthal :

I faxed u a request to show proof of ur stmts to the court yesterday
that ur 6:00 am flt was cancelled.

Anselmo 2/8/08 10:29 a.m.:

i recieved it..

5. That as of 4:00 p.m. February 11, 2008 no response to the letter or text messages has been forthcoming.

6. As Plaintiff previously explained to the court, Plaintiff is aware that Defendant has bank accounts outside the jurisdiction of the United States and by allowing the temporary

Exhibit B

restraining order to expire in anticipation that Defendant would actually appear could significantly harm Plaintiff. On the other hand, if Defendant wants to extricate himself from the temporary restraining order and/or default judgment, the court has provided him with that opportunity. Extending the temporary restraining order does not harm the Defendant, but provides some reasonable, albeit incomplete, protection to Plaintiff.

6. **FURTHER DECLARANT SAYETH NOT.**

/s/ Michael L. Blumenthal

MICHAEL L. BLUMENTHAL

**Michael L. Blumenthal, Esq.
Milton M. Blumenthal & Associates
77 West Washington Street - Suite 1720
Chicago, Illinois 60602
(312) 372-3566
e-mail: mike@mdblumenthal.com
Attorney I.D. # 6183007**